

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:09cr181
	§	(Judge Crone)
JOHNNY LEE HOOPER	§	
aka JOHNNY KUNZ	§	

**REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 11, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On December 28, 2010, Defendant was originally sentenced by the Honorable David Folsom. On March 28, 2011, an amended judgment was entered where Defendant was sentenced to six (6) months' imprisonment on each count to be served concurrently followed by three (3) years of supervised release. On March 30, 2011, Defendant completed his period of imprisonment and began service of his supervised term. This case was then reassigned to the Honorable Marcia A. Crone.

On April 23, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall not commit another federal, state, or local crime.

The petition alleges that Defendant committed the following acts: On April 18, 2012, Defendant reportedly committed the offenses of Lewd Molestation and Intimidation of Witness, both felony offenses, in Atoka County, Oklahoma. According to the offense report, Defendant is alleged

to have molested his fiancée's nineteen-month-old child, and threatened to physically harm his fiancée, Robin Graves, if she reported the incident to law enforcement authorities.

Prior to the Government putting on its case, Defendant entered a plea of true to the violation. The Court recommends that Defendant's supervised release be revoked.

### **RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 18th day of September, 2012.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE